THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8303 of 2007

Dated: 20.04.2007

Between:

S.M. Subhani.

..... PETITIONER

AND

The Government of Andhra Pradesh,
rep. by its Secretary, Industries and Commerce Department,
Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.8303 of 2007

ORDER:

The petitioner was granted mining lease over an extent of Acs.2.50 gts in survey No.438 situated at Pillaipally Village, Pochampally Mandal, Nalgonda District, for mining rough stone. The lease granted by proceedings dated 15.06.2004 is valid for a period of ten years. The petitioner approached first respondent seeking alienation of land admeasuring Acs.5.00 (out of Acs.921) in survey No.268 situated at Banda Raviryal Village, Hayathnagar Mandal, Ranga Reddy District, by filing a representation dated 03.02.2004. Alleging that said representation has not been considered, instant writ petition is filed seeking a writ of Mandamus directing first respondent to consider said representation for alienation.

The learned counsel for the petitioner submits that the petitioner intends to set up a stone crushing unit which would provide employment to 500 to 600 people and therefore, the Government should consider the request of the petitioner for alienation. She, however, does not dispute that the petitioner has no right to seek alienation of the Government land. When the petitioner has no right to seek alienation of the Government land, a direction from this Court to first respondent to consider said representation cannot be granted. As rightly submitted by the learned Assistant Government Pleader for Revenue, the petitioner has to approach the District Collector, second respondent herein, for lease of the land in accordance with the Andhra Pradesh Board Standing Orders.

The writ petition is misconceived and the same is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

20th April, 2007

ghn